

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

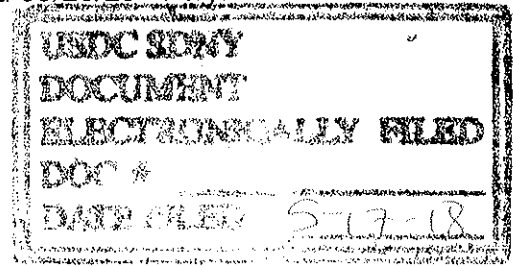
Michele Bizaldi, *on behalf of herself and others
similarly situated,*

Plaintiff(s),

-v-

Sapitos Restaurant, Inc., Cajun NY LLC, Yairton
Garcia, Philip Kuszel, and Jaleene Rodriguez,
jointly and severally,

Defendants.



Civ. Case No.: 16-cv-08242-LAP

**STIPULATION AND
[PROPOSED] ORDER TO
VACATE DEFAULT
JUDGMENT AND TO DISMISS
ALL CLAIMS AGAINST
PHILIP KUSZEL WITHOUT
PREJUDICE**

IT IS HEREBY STIPULATED AND AGREED by and between the undersigned attorneys for the respective parties herein that the default judgment entered on March 22, 2017 against Defendant Philip Kuszel is vacated in its entirety, with respect to Philip Kuszel only.

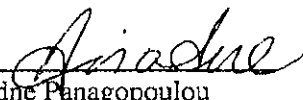
IT IS FURTHER STIPULATED AND AGREED, that based upon Philip Kuszel's affirmation that he never owned shares or a membership interest in Sapitos Restaurant, Inc., and/or Cajun NY LLC, all claims against Philip Kuszel are dismissed in their entirety without prejudice pursuant to Fed. R. Civ. P. 41(a)(1)(ii), with each side bearing their own fees and costs. If it is later discovered that Defendant Philip Kuszel did in fact own shares or a membership interest in Sapitos Restaurant, Inc., and/or Cajun NY LLC, Plaintiff reserves the right to re-assert claims alleged in her complaint dated October 21, 2016 against Defendant Philip Kuszel.

IT IS FURTHER STIPULATED AND AGREED, that Defendant Philip Kuszel is hereby not waiving any defenses, including but not limited to insufficient process and insufficient service of process, and expressly reserves all other defenses.


IT IS FURTHER STIPULATED AND AGREED, that this stipulation may contain counterparts or facsimile signatures, which shall be deemed as originals.

Dated: May 15, 2018
Astoria, New York

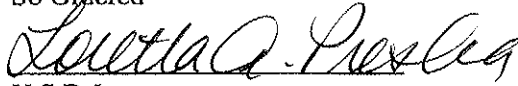
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By: 
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Counsel for Philip Kuszel
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212.682.8811

So Ordered


U.S.D.J.

may 17, 2018